

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WILLIAM R. FOWLE,

Index No. 07 CV 3555

Plaintiff

-against-

COHEN & SLAMOWITZ, LLP.

Defendant.
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**ANSWER OF COHEN & SLAMOWITZ, LLP
WITH AFFIRMATIVE DEFENSES AND COUNTERCLAIM**

Defendant COHEN & SLAMOWITZ, LLP (the "Defendant"), by and through their counsel, The Law Offices of Michael G. Mc Auliffe, Esq., as and for their Answer to the Plaintiff's complaint dated May 1, 2007, respectfully set forth and represent as follows:

1. Deny the allegations contained in paragraphs 33, 39, 45 and the "Wherefore Clause" of the Complaint.
2. Defendant denies knowledge and information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 3, 4, 11, 12, 22, 23, 24, 25, 29, 20, and 21 of the Complaint.
3. Admit the allegations contained in paragraphs 5, 6, 7, 8, 9, 13, 14, 15 and 16 of the Complaint.
4. With regard to the allegations set forth in paragraphs 10, 17 and 26 of the Complaint, Defendant submits that said documents speak for themselves and refer all matters of law and legal interpretation to the Court. Defendant denies knowledge and information sufficient to form a belief as to all other allegations set forth therein.

5. With regard to the allegations set forth in paragraphs 2, 30, 31, 32, 36, 37, 38, 42, 43 and 44 of the Complaint, Defendant submits that said paragraphs call for a legal conclusion, and accordingly, refer all matters of law and legal interpretation to the Court. To the extent that a response is required, Defendant denies knowledge and information sufficient to form a belief as to the allegations set forth therein.

6. With regard to the allegations set forth in paragraph 27 of the Complaint, Defendant denies service of the Complaint, but admits Mansfield & Serpe, LLC. represent Plaintiff. Defendant denies knowledge and information sufficient to form a belief as to all other allegations set forth therein.

7. With regard to the allegations set forth in paragraph 11 of the Complaint, Defendant admits that telephone calls were made and refers all matters of law and legal interpretation to the Court. Defendant denies knowledge and information sufficient to form a belief as to all other allegations set forth therein

8. Defendant repeats, and reiterates the responses to the allegations set forth and referenced in paragraphs 28, 34, and 40 of the Complaint herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

9. The causes of action set forth in the Complaint fail to state a claim upon which relief may be granted.

10. By virtue of the foregoing, the Complaint should be dismissed, with prejudice.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

11. Defendant repeats, reiterates and realleges each and every response contained in paragraphs "1" through "10", inclusive, with the same force and effect as if set forth at length herein.

12. In the event this Court determines that Defendant has not complied with the provisions of the Fair Debt Collection Practices Act, Defendant submits that any such violation was unintentional, and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such error.

13. By virtue of the foregoing, the Complaint should be dismissed, with prejudice.

AS AND FOR A FIRST COUNTERCLAIM AGAINST PLAINTIFF

14. Defendant repeats, reiterates and realleges each and every response contained in paragraphs "1" through "13", inclusive, with the same force and effect as if set forth at length herein.

15. Defendant submits that the instant action has been interposed by Plaintiff in bad faith and for the purpose of harassment.

16. By virtue of the foregoing, pursuant to 15 U.S.C. 1692k(a)(3), Defendant is entitled to an award of reasonable attorneys fees and costs incurred herein.

WHEREFORE, Defendant respectfully demands judgment dismissing the Complaint herein in its entirety, and granting Defendant judgment on its counterclaim, together with such other, further and different relief as this Court deems just and proper.

Dated: Melville, New York
October 5, 2007

Law Offices of Michael G. Mc Auliffe, Esq.
Counsel to Cohen & Slamowitz, LLP.

By: /s/ Michael G. Mc Auliffe
Michael G. Mc Auliffe, Esq.
48 South Service Road, Suite 102
Melville, New York 11747
(631) 465-0044